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EXAMINER
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ART UNIT	PAPER NUMBER
2129	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/705,208	MCBRIDE ET AL.
	Examiner	**Art Unit**	
	Benjamin J. Buss	2129	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 November 2003 and 08 March 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>9/7/2004</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claims 1-40 are pending in this application.

Claim Rejections - 35 USC § 112

5   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-10 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

10   particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 8-10 recite the limitation "the signifier" in L1. There is insufficient antecedent basis for this limitation

  in the claim. *(Claims 8-10 will be examined as depending on claim 7 because it is believed that this was*

  Applicant's intent.)

- Claim 21 is indefinite because "all" is indefinite in the context of the claim. There is no indication that there

15   is a finite set of rules, so it is not possible to know when all possible rules are retrieved.

Appropriate corrections are required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections

20   under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United
>
> 30   States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 11, 16, 23-24, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chikirivao** (US

Patent Application Publication No. 2003/0163783).

35   **Claim 1:**

Chikirivao anticipates:

- Providing a template to the administrator, wherein the template includes at least one field to elicit

   information from the administrator (pages 1-7 especially "querying the administrator ... create a customized

   rule based upon a pre-existing customizable rule template saved in the rule repository" ¶38-39),

40   - Receiving information from the administrator into the template (pages 1-7 especially "querying the

   administrator ... create a customized rule based upon a pre-existing customizable rule template saved in

   the rule repository" ¶38-39 and "entering and saving of data into a template" ¶43), and

- Making the information accessible to a rules-based program for use in providing the at least one response

   in reply to a request from a user (pages 1-7 especially "querying the administrator ... create a customized

45   rule based upon a pre-existing customizable rule template saved in the rule repository ... either testing the

   rule or saving the rule" ¶38-39 and "rules created by an administrator are preferably saved in the rule

   repository" ¶29).

   Furthermore, since all software is made up of rules (e.g. conditional statements), the limitations of this

   claim as stated are met by <u>*any*</u> *software that:*

50   o *Is affected (e.g. written, created, altered, parameterized) by an entity (e.g. human, machine, or*

   other type of administrator) through template with fields; and

      o *Does anything (internally or externally to the software itself) based on the customization and input*

   from another entity (e.g. human, machine, or other type of user).

55   **Claim 2:**

Chikirivao anticipates:

- Wherein the step of making the information accessible to the rules-based program saves the information as

   part of the template (pages 1-7 especially "querying the administrator ... create a customized rule based

   upon a pre-existing customizable rule template saved in the rule repository" ¶38-39 and "entering and

60   saving of data into a template" ¶43), as structured data (pages 1-7 especially "querying the administrator ...

   create a customized rule based upon a pre-existing customizable rule template saved in the rule repository

   ... either testing the rule or saving the rule" ¶38-39 and "rules created by an administrator are preferably

saved in the rule repository" ¶29; *The rule repository is clearly structured data storage*), and/or into rules

(pages 1-7 especially "querying the administrator ... create a customized rule based upon a pre-existing

65   customizable rule template saved in the rule repository ... either testing the rule or saving the rule" ¶38-39

and "rules created by an administrator are preferably saved in the rule repository" ¶29).

Claim 3:

Chikirivao anticipates:

70   -   Wherein the step of saving the information into rules includes the steps of:

> o   Retrieving rules (pages 1-7 especially "system obtains the rule" ¶38-39),
>
> o   For each rule retrieved, determining whether the rule needs information (pages 1-7 especially
>
> "administrator may need to specify more or less information" ¶40 and "rules which are generated
>
> based upon ... information ... based upon parameters specified" ¶31 and "information and/or sub-
>
> 75   rules needed to make such determinations" ¶32 and "rules may be designed with any level of
>
> interactivity and/or user knowledge required and may include and utilize data and other
>
> information" ¶33 and "extracts from the provided information those parameters required by the
>
> rule(s)" ¶44-48),
>
> o   If the rule needs information, retrieving the information from a corresponding field in the template
>
> 80   and inserting the information into the rule (pages 1-7 especially "extracts from the provided
>
> information those parameters required by the rule(s)" ¶44-48 and "administrator may need to
>
> specify more or less information" ¶40 and "routing of information based upon the input template"
>
> ¶59).

85   **Claim 11:**

Chikirivao anticipates:

-      Wherein the step of determining whether the rule needs information includes the steps of:

> o   Determining whether a response layer needs information (pages 1-7 especially "rule which requires
>
> the user to provide inputs as to specific needs" ¶35), and

90   o   If the response layer needs information, retrieving the information from a corresponding field in the
                   template and inserting the information into the response layer (pages 1-7 especially "templates and
                   other features that enable a user to expeditiously enter the necessary information required" ¶43
                   and "extracts from the provided information those parameters required by the rule(s)" ¶44-48 and
                   "information is received from the field" ¶50 and "routing of information based upon the input
95   template" ¶59).

Claim 16:

Chikirivao anticipates:

-    Wherein the step of determining whether the rule needs information includes the steps of:

100   o   Determining whether a logic layer needs information (pages 1-7 especially "administrator may need
                   to specify more or less information" ¶40 and "rules which are generated based upon ... information
                   ... based upon parameters specified" ¶31 and "information and/or sub-rules needed to make such
                   determinations" ¶32 and "rules may be designed with any level of interactivity and/or user
                   knowledge required and may include and utilize data and other information" ¶33 and "extracts from
105   the provided information those parameters required by the rule(s)" ¶44-48; *The rule system is*
                   clearly a logic layer which logically analyzes based on the logic contained in the rules), and

              o   If the logic layer needs information, retrieving the information from a corresponding field in the
                   template and inserting the information into the logic layer (pages 1-7 especially "extracts from the
                   provided information those parameters required by the rule(s)" ¶44-48 and "administrator may need
110   to specify more or less information" ¶40 and "routing of information based upon the input template"
                   ¶59; *The rule system is clearly a logic layer which logically analyzes based on the logic contained*
                   in the rules).

Claim 23:

115   **Chikirivao** anticipates:

- Wherein the step of making the information accessible to the rules-based program is accomplished by

   receiving a manual command from a user (pages 1-7 especially "access to a rule may be specified

   manually or automatically" ¶43).

120   **Claim 24:**

Chikirivao anticipates:

- Wherein the step of making the information accessible to the rules-based program is accomplished

   automatically upon the occurrence of a predefined event (pages 1-7 especially "access to a rule may be

   specified manually or automatically" ¶43).

125

Claim 27:

Chikirivao anticipates:

- Wherein the predefined event is activation of a save function by the administrator (pages 1-7 especially

   "access to a rule may be specified manually or automatically ... rule may be activated upon the entering

130   and saving of data into a template" ¶43).

Claim 28:

Chikirivao anticipates:

- Further including the step of enabling the administrator to edit the information (pages 1-7 especially

135   "querying the administrator ... modify an existing rule ... create a customized rule based upon a pre-

   existing customizable rule template saved in the rule repository ... allow the user to modify/customize the

   rule" ¶38-39 and "enables such administrators to ... edit ... the rules" ¶29).

Claim 29:

140   **Chikirivao** anticipates:

- Wherein the step of enabling the administrator to edit the information includes the steps of:

- o   Retrieving the information (pages 1-7 especially "obtains the rule and provides those interfaces necessary to allow the user to modify/customize the rule" ¶38-39),

- o   Posting the information in at least one appropriate field in the template (pages 1-7 especially "based upon a pre-existing customizable rule template ... obtains the rule and provides those interfaces necessary to allow the user to modify/customize the rule" ¶38-39 and "templates and other features that enable a user to expeditiously enter the necessary information required for a given task" ¶43),

- o   Receiving edited information from the administrator into the template (pages 1-7 especially "based upon a pre-existing customizable rule template ... obtains the rule and provides those interfaces necessary to allow the user to modify/customize the rule" ¶38-39 and "templates and other features that enable a user to expeditiously enter the necessary information required for a given task" ¶43), and

- o   Making the edited information accessible to the rules-based program for use in providing the at least one response in reply to a request from the user (pages 1-7 especially "querying the administrator ... create a customized rule based upon a pre-existing customizable rule template saved in the rule repository ... either testing the rule or saving the rule" ¶38-39 and "rules created by an administrator are preferably saved in the rule repository" ¶29).

Claim 30:

Chikirivao anticipates wherein:

- -   The step of making the information accessible to the rules-based program saves the information as part of the template (pages 1-7 especially "access to a rule may be specified manually or automatically ... rule may be activated upon the entering and saving of data into a template" ¶43), and

- -   The step of retrieving the information includes the step of restoring the information to the at least one field (pages 1-7 especially "based upon a pre-existing customizable rule template ... obtains the rule and provides those interfaces necessary to allow the user to modify/customize the rule" ¶38-39).

Claim Rejections - 35 USC § 103

170   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

175

Claims 4-10, 12-15, 17-21, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chikirivao**

(US Patent Application Publication No. 2003/0163783) in view of **Ferrel** (USPN 5,907,837).

180

Claim 4:

Chikirivao fails to teach:

- Wherein the step of determining whether the rule needs information includes the steps of:

    o   Determining whether an input recognizer needs information,

185   o   If the input recognizer needs information, retrieving the information from a corresponding field in

            the template and inserting the information into the input recognizer.

Ferrel teaches:

- Wherein the step of determining whether the rule needs information includes the steps of:

    o   Determining whether an input recognizer needs information (C4-44 especially "recognize OLE

190   controls" C20:25-45 and "creating one or more subqueries based on the search query" C5:15-35

            and "search server ... provides one or more subqueries" C29:5-30),

    o   If the input recognizer needs information, retrieving the information from a corresponding field in

            the template and inserting the information into the input recognizer (C4-44 especially "ask them for

            their MPML representation ... retrieve a MPML representation" C20-25-45 and "retrieving results of

195   the subquery" C5-15-35 and "resolve search request ... makes partition specific subqueries"

            C34:45-67).

Motivation:

    Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

    management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

200   . invention to modify the teachings of **Chikirivao** by resolving input information as needed as taught by

Ferrel for the benefit of dynamically finding and displaying content at runtime to deliver targeted versions of

a publication while providing the most benefit by using an on-line network (**Ferrel** C7:5-60).

205   **Claim 5:**

Chikirivao fails to teach:

-    Wherein the step of determining whether the rule needs information includes the steps of:

     o   Determining whether a response layer needs information, and

     o   If the response layer needs information, retrieving the information from a corresponding field in the

210   template and inserting the information into the response layer.

Ferrel teaches:

-    Wherein the step of determining whether the rule needs information includes the steps of:

     o   Determining whether a response layer needs information (C4-44 especially "determines if the title

         is out of date" C12:35-55 and "examines ... to see if any of the information required to display the

215   pressed title needs to be acquired" C12:20-35), and

     o   If the response layer needs information, retrieving the information from a corresponding field in the

         template and inserting the information into the response layer (C4-44 especially "acquires any

         needed information" C12:35-55 and "acquires this information" C12:20-35).

Motivation:

220   **Chikirivao** and **Ferrel** are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of **Chikirivao** by acquiring more information for the query response as

needed as taught by **Ferrel** for the benefit of dynamically finding and displaying content at runtime to

deliver targeted versions of a publication while providing the most benefit by using an on-line network

225   (**Ferrel** C7:5-60).

Claim 6:

Chikirivao fails to teach:

-    Wherein the step of determining whether the rule needs information includes the steps of:

230   o   Determining whether a logic layer needs information, and

               o   If the logic layer needs information, retrieving the information from a corresponding field in the

                    template and inserting the information into the logic layer.

Ferrel teaches:

        -    Wherein the step of determining whether the rule needs information includes the steps of:

235   o   Determining whether a logic layer needs information (C4-44 especially "examines ... to see if any

                    of the information required to display the pressed title needs to be acquired" C12:20-35 and "need

                    to identify elements in the structure of the content so they may format it correctly" C19:40-60), and

               o   If the logic layer needs information, retrieving the information from a corresponding field in the

                    template and inserting the information into the logic layer (C4-44 especially "acquires this

240   information" C12:20-35 and "environment provides a way for authors to create structured

                    documents ... template defining styles and macros" C19:40-C20:15).

<u>Motivation</u>:

        Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

        management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

245   invention to modify the teachings of **Chikirivao** by getting more information for logically processing

        requests as needed as taught by **Ferrel** for the benefit of dynamically finding and displaying content at

        runtime to deliver targeted versions of a publication while providing the most benefit by using an on-line

        network (**Ferrel** C7:5-60).

250   **Claim 7:**

        Chikirivao fails to teach:

        -    Wherein the step of determining whether the input recognizer needs information, includes the step of

             identifying a signifier.

        Ferrel teaches:

255   -   Wherein the step of determining whether the input recognizer needs information, includes the step of

             identifying a signifier (C4-44 especially "code for implementing instances" C18:30-50 and "tagged content

             ... insert links ... able to recognize OLE controls embedded ... stream of text with embedded objects such

as links ... also be tagged" C20:20-50 and "tag encountered or attribute encountered ... identifying the tag

and attributes whose data is the element that was tagged ... point to tagged text" C22:10-40).

260   Motivation:

Chikirivao and Ferrel are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Chikirivao by having a signifier recognizable for the input recognizer to

determine if more information is needed as taught by Ferrel for the benefit of dynamically finding and

265   displaying content at runtime to deliver targeted versions of a publication while providing the most benefit

by using an on-line network (Ferrel C7:5-60).

Claim 8:

Chikirivao fails to teach:

270   -   Wherein the signifier is a tag in a text string.

Ferrel teaches:

-   Wherein the signifier is a tag in a text string (C4-44 especially "tagged content ... insert links ... able to

recognize OLE controls embedded ... stream of text with embedded objects such as links ... also be

tagged" C20:20-50 and "tag encountered or attribute encountered ... identifying the tag and attributes

275   whose data is the element that was tagged ... point to tagged text" C22:10-40).

Motivation:

Chikirivao and Ferrel are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Chikirivao by having a tag in a text string as a signifier as taught by

280   Ferrel for the benefit of dynamically finding and displaying content at runtime to deliver targeted versions of

a publication while providing the most benefit by using an on-line network (Ferrel C7:5-60).

Claim 9:

Chikirivao fails to teach:

285   -   Wherein the signifier is an instruction embedded in a text string.

Ferrel teaches:

- Wherein the signifier is an instruction embedded in a text string (C4-44 especially "tagged content ... insert

    links ... able to recognize OLE controls embedded ... stream of text with embedded objects such as links

    ... also be tagged" C20:20-50 and "tag encountered or attribute encountered ... identifying the tag and

290   attributes whose data is the element that was tagged ... point to tagged text" C22:10-40).

Motivation:

> **Chikirivao** and **Ferrel** are from the same field of endeavor, software development, particularly information
>
> management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the
>
> invention to modify the teachings of **Chikirivao** by having an instruction embedding in a text string as
>
295 > taught by **Ferrel** for the benefit of dynamically finding and displaying content at runtime to deliver targeted
>
> versions of a publication while providing the most benefit by using an on-line network (**Ferrel** C7:5-60).

Claim 10:

Chikirivao fails to teach:

300   - Wherein the signifier is a code.

Ferrel teaches:

- Wherein the signifier is a code (C4-44 especially "code for implementing instances" C18:30-50).

Motivation:

> **Chikirivao** and **Ferrel** are from the same field of endeavor, software development, particularly information
>
305 > management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the
>
> invention to modify the teachings of **Chikirivao** by having a code as a signifier as taught by **Ferrel** for the
>
> benefit of dynamically finding and displaying content at runtime to deliver targeted versions of a publication
>
> while providing the most benefit by using an on-line network (**Ferrel** C7:5-60).

310   **Claim 12:**

Chikirivao fails to teach:

- Wherein the step of determining whether the response layer needs information, includes the step of

    identifying a signifier in the response layer.

Ferrel teaches:

315   -   Wherein the step of determining whether the response layer needs information, includes the step of

identifying a signifier in the response layer (C4-44 especially "code for implementing instances" C18:30-50

and "tagged content ... insert links ... able to recognize OLE controls embedded ... stream of text with

embedded objects such as links ... also be tagged" C20:20-50 and "tag encountered or attribute

encountered ... identifying the tag and attributes whose data is the element that was tagged ... point to

320   tagged text" C22:10-40).

Motivation:

     Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of **Chikirivao** by identifying a signifier in the response layer to determine

325   whether information is needed as taught by **Ferrel** for the benefit of dynamically finding and displaying

content at runtime to deliver targeted versions of a publication while providing the most benefit by using an

on-line network (**Ferrel** C7:5-60).

Claim 13:

330   **Chikirivao** fails to teach:

     -      Wherein the signifier is a tag in a text string.

Ferrel teaches:

     -      Wherein the signifier is a tag in a text string (C4-44 especially "tagged content ... insert links ... able to

recognize OLE controls embedded ... stream of text with embedded objects such as links ... also be

335   tagged" C20:20-50 and "tag encountered or attribute encountered ... identifying the tag and attributes

whose data is the element that was tagged ... point to tagged text" C22:10-40).

Motivation:

     Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

340   invention to modify the teachings of **Chikirivao** by having a tag in a text string as a signifier as taught by

Ferrel for the benefit of dynamically finding and displaying content at runtime to deliver targeted versions of

a publication while providing the most benefit by using an on-line network (**Ferrel** C7:5-60).

Claim 14:

345   **Chikirivao** fails to teach:

- Wherein the signifier is an instruction embedded in a text string.

Ferrel teaches:

- Wherein the signifier is an instruction embedded in a text string (C4-44 especially "tagged content ... insert

links ... able to recognize OLE controls embedded ... stream of text with embedded objects such as links

350   ... also be tagged" C20:20-50 and "tag encountered or attribute encountered ... identifying the tag and

attributes whose data is the element that was tagged ... point to tagged text" C22:10-40).

Motivation:

Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

355   invention to modify the teachings of **Chikirivao** by having an instruction embedding in a text string as

taught by **Ferrel** for the benefit of dynamically finding and displaying content at runtime to deliver targeted

versions of a publication while providing the most benefit by using an on-line network (**Ferrel** C7:5-60).

Claim 15:

360   **Chikirivao** fails to teach:

- Wherein the signifier is a code.

Ferrel teaches:

- Wherein the signifier is a code (C4-44 especially "code for implementing instances" C18:30-50).

Motivation:

365   **Chikirivao** and **Ferrel** are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of **Chikirivao** by having a code as a signifier as taught by **Ferrel** for the

benefit of dynamically finding and displaying content at runtime to deliver targeted versions of a publication

while providing the most benefit by using an on-line network (**Ferrel** C7:5-60).

370

Claim 17:

Chikirivao fails to teach:

- Wherein the step of determining whether the logic layer needs information, includes the step of identifying a

signifier in the logic layer.

375   **Ferrel** teaches:

- Wherein the step of determining whether the logic layer needs information, includes the step of identifying a

signifier in the logic layer (C4-44 especially "code for implementing instances" C18:30-50 and "tagged

content ... insert links ... able to recognize OLE controls embedded ... stream of text with embedded

objects such as links ... also be tagged" C20:20-50 and "tag encountered or attribute encountered ...

380   identifying the tag and attributes whose data is the element that was tagged ... point to tagged text"

C22:10-40).

Motivation:

Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

385   invention to modify the teachings of **Chikirivao** by identifying a signifier in the response layer to determine

whether information is needed as taught by **Ferrel** for the benefit of dynamically finding and displaying

content at runtime to deliver targeted versions of a publication while providing the most benefit by using an

on-line network (**Ferrel** C7:5-60).

390   **Claim 18:**

Chikirivao fails to teach:

- Wherein the signifier is a tag in a text string.

Ferrel teaches:

- Wherein the signifier is a tag in a text string (C4-44 especially "tagged content ... insert links ... able to

395   recognize OLE controls embedded ... stream of text with embedded objects such as links ... also be

tagged" C20:20-50 and "tag encountered or attribute encountered ... identifying the tag and attributes

whose data is the element that was tagged ... point to tagged text" C22:10-40).

Motivation:

Chikirivao and Ferrel are from the same field of endeavor, software development, particularly information

400   management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Chikirivao by having a tag in a text string as a signifier as taught by

Ferrel for the benefit of dynamically finding and displaying content at runtime to deliver targeted versions of

a publication while providing the most benefit by using an on-line network (Ferrel C7:5-60).

405   **Claim 19:**

Chikirivao fails to teach:

-   Wherein the signifier is an instruction embedded in a text string.

Ferrel teaches:

-   Wherein the signifier is an instruction embedded in a text string (C4-44 especially "tagged content ... insert

410   links ... able to recognize OLE controls embedded ... stream of text with embedded objects such as links

... also be tagged" C20:20-50 and "tag encountered or attribute encountered ... identifying the tag and

attributes whose data is the element that was tagged ... point to tagged text" C22:10-40).

Motivation:

Chikirivao and Ferrel are from the same field of endeavor, software development, particularly information

415   management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Chikirivao by having an instruction embedding in a text string as

taught by Ferrel for the benefit of dynamically finding and displaying content at runtime to deliver targeted

versions of a publication while providing the most benefit by using an on-line network (Ferrel C7:5-60).

420   **Claim 20:**

Chikirivao fails to teach:

-   Wherein the signifier is a code.

Ferrel teaches:

- Wherein the signifier is a code (C4-44 especially "code for implementing instances" C18:30-50).

425   Motivation:

Chikirivao and Ferrel are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Chikirivao by having a code as a signifier as taught by Ferrel for the

benefit of dynamically finding and displaying content at runtime to deliver targeted versions of a publication

430   while providing the most benefit by using an on-line network (Ferrel C7:5-60).

Claim 21:

Chikirivao fails to teach:

- Wherein the step of retrieving rules retrieves all of the rules.

435   Ferrel teaches:

- Wherein the step of retrieving rules retrieves all of the rules (C4-44 especially "index of all the content on

the network" C4:1:15 and "all content that is published ... allows a customer to retrieve indexed content"

7:45-55 and "all the subqueries are in the cache" C34:45-67).

Motivation:

440   Chikirivao and Ferrel are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Chikirivao by retrieving all the rules as taught by Ferrel for the benefit

of dynamically finding and displaying content at runtime to deliver targeted versions of a publication while

providing the most benefit by using an on-line network (Ferrel C7:5-60).

445

Claim 31:

Chikirivao teaches wherein:

- The step of making the information accessible to the rules-based program saves the information as

structured data (pages 1-7 especially "querying the administrator ... create a customized rule based upon a

450   pre-existing customizable rule template saved in the rule repository ... either testing the rule or saving the

rule" ¶38-39 and "rules created by an administrator are preferably saved in the rule repository" ¶29; *The*

rule repository is clearly structured data storage).

Chikirivao fails to teach wherein:

- The step of retrieving the information includes the steps of, for at least one of the at least one field in the

455   template:

  o   Retrieving instructions indicating where the information is stored, and

  o   Executing the instructions to retrieve the information.

Ferrel teaches wherein:

- The step of making the information accessible to the rules-based program saves the information as

460   structured data (C4-44 especially "natural way of storing related and ordered objects is in a data structure"

        C8:5-20 and "structured storage" C11:1:20), and

- The step of retrieving the information includes the steps of, for at least one of the at least one field in the

        template:

  o   Retrieving instructions indicating where the information is stored (C4-44 especially "modules at the

465   storage location 122 include a server executable ... information retrieval service" C18:10-30 and

          "locate an object given its unique identity" C18:40-67)

  o   Executing the instructions to retrieve the information (C4-44 especially "modules at the storage

          location 122 include a server executable ... information retrieval service" C18:10-30 and "remotely

          retrieve the object from the server" C18:40-67).

470   Motivation:

        Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

        management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

        invention to modify the teachings of **Chikirivao** by retrieving and executing instructions for the retrieval of

        the information as taught by **Ferrel** for the benefit of dynamically finding and displaying content at runtime

475   to deliver targeted versions of a publication while providing the most benefit by using an on-line network

        (**Ferrel** C7:5-60).

Claim 32:

Chikirivao teaches wherein:

480   -   The step of making the information accessible to the rules-based program saves the information into rules (pages 1-7 especially "querying the administrator ... create a customized rule based upon a pre-existing customizable rule template saved in the rule repository ... either testing the rule or saving the rule" ¶38-39 and "rules created by an administrator are preferably saved in the rule repository" ¶29).

Chikirivao fails to teach wherein:

485   -   The step of retrieving the information includes the steps of, for at least one of the at least one field in the template:

        o   Retrieving instructions indicating where the information is stored, and

        o   Executing the instructions to retrieve the information.

Ferrel teaches wherein:

490   -   The step of retrieving the information includes the steps of, for at least one of the at least one field in the template:

        o   Retrieving instructions indicating where the information is stored (C4-44 especially "modules at the storage location 122 include a server executable ... information retrieval service" C18:10-30 and "locate an object given its unique identity" C18:40-67)

495   o   Executing the instructions to retrieve the information (C4-44 especially "modules at the storage location 122 include a server executable ... information retrieval service" C18:10-30 and "remotely retrieve the object from the server" C18:40-67).

<u>Motivation</u>:

     Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information
500   management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of **Chikirivao** by retrieving and executing instructions for the retrieval of the information as taught by **Ferrel** for the benefit of dynamically finding and displaying content at runtime to deliver targeted versions of a publication while providing the most benefit by using an on-line network (**Ferrel** C7:5-60).

505

Claim 33:

Chikirivao teaches wherein:

- The step of making the information accessible to the rules-based program saves the information into rules

  (pages 1-7 especially "querying the administrator ... create a customized rule based upon a pre-existing

510   customizable rule template saved in the rule repository ... either testing the rule or saving the rule" ¶38-39

  and "rules created by an administrator are preferably saved in the rule repository" ¶29).

Chikirivao fails to teach wherein:

- The step of retrieving the information includes the steps of, for each rule used:

  o   Determining whether the rule includes a signifier, and

515   o   If a signifier is included, executing instructions from the signifier to retrieve the information

      associated with the rule.

Ferrel teaches wherein:

- The step of retrieving the information includes the steps of, for each rule used:

  o   Determining whether the rule includes a signifier (C4-44 especially "code for implementing

520   instances" C18:30-50 and "tagged content ... insert links ... able to recognize OLE controls

      embedded ... stream of text with embedded objects such as links ... also be tagged" C20:20-50

      and "tag encountered or attribute encountered ... identifying the tag and attributes whose data is

      the element that was tagged ... point to tagged text" C22:10-40 and "tag ... with retrieval attributes"

      C21:25-45), and

525   o   If a signifier is included, executing instructions from the signifier to retrieve the information

      associated with the rule (C4-44 especially "formatting tags ... retrieve formatting information"

      C15:30-55 and "controls embedded ... to retrieve a MPML representation" C20:20-45 and "tag ...

      with retrieval attributes" C21:25-45).

Motivation:

530   **Chikirivao** and **Ferrel** are from the same field of endeavor, software development, particularly information

  management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

  invention to modify the teachings of **Chikirivao** by *** as taught by **Ferrel** for the benefit of dynamically

finding and displaying content at runtime to deliver targeted versions of a publication while providing the

most benefit by using an on-line network (**Ferrel** C7:5-60).

535

Claim 34:

Chikirivao teaches wherein:

-   The step of making the information accessible to the rules-based program saves the information into rules

    (pages 1-7 especially "querying the administrator ... create a customized rule based upon a pre-existing

540   customizable rule template saved in the rule repository ... either testing the rule or saving the rule" ¶38-39

    and "rules created by an administrator are preferably saved in the rule repository" ¶29).

Chikirivao fails to teach wherein:

-   The step of retrieving the information includes the steps of, for each rule used:

    o   Determining whether the rule includes a signifier, and

545   o   If a signifier is included, retrieving the information tagged in the rule.

Ferrel teaches wherein:

-   The step of retrieving the information includes the steps of, for each rule used:

    o   Determining whether the rule includes a signifier (C4-44 especially "code for implementing

        instances" C18:30-50 and "tagged content ... insert links ... able to recognize OLE controls

550   embedded ... stream of text with embedded objects such as links ... also be tagged" C20:20-50

        and "tag encountered or attribute encountered ... identifying the tag and attributes whose data is

        the element that was tagged ... point to tagged text" C22:10-40 and "tag ... with retrieval attributes"

        C21:25-45), and

    o   If a signifier is included, retrieving the information tagged in the rule (C4-44 especially "formatting

555   tags ... retrieve formatting information" C15:30-55 and "controls embedded ... to retrieve a MPML

        representation" C20:20-45 and "tag ... with retrieval attributes" C21:25-45).

Motivation:

Chikirivao and **Ferrel** are from the same field of endeavor, software development, particularly information

management and retrieval. It would have been obvious to one of ordinary skill in the art at the time of the

560   invention to modify the teachings of **Chikirivao** by *** as taught by **Ferrel** for the benefit of dynamically

finding and displaying content at runtime to deliver targeted versions of a publication while providing the

most benefit by using an on-line network (**Ferrel** C7:5-60).

Claim Rejections - 35 USC § 103

565   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chikirivao** (US Patent Application

Publication No. 2003/0163783) in view of **Jammes** (USPN 6,484,149).

Claim 22:

Chikirivao fails to teach:

570   -   Wherein the step of retrieving rules retrieves all of the rules in a template information script.

Jammes teaches:

        -    Wherein the step of retrieving rules retrieves all of the rules in a template information script (C1-56

             especially "based on a template ... scripts to extract stored ... patterns ... against customization rules"

             C43:40-65).

575   Motivation:

        Chikirivao and **Jammes** are from the same field of endeavor, software development. It would have been

        obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of **Chikirivao**

        by retrieving all of the rules in a template information script as taught by **Jammes** for the benefit of making

        the on-line experience more convenient and expedient as well as more pleasant (**Jammes** C4:10-35).

580

Claim Rejections - 35 USC § 103

Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chikirivao** (US Patent Application

Publication No. 2003/0163783) in view of **Habraken** ("Microsoft Office XP 8-in-1" – Part III: Word – Chapter 2:

Working with Documents).

585

Claim 25:

Chikirivao fails to teach:

-    Wherein the predefined event is closing of the template.

Habraken teaches:

590 - Wherein the predefined event is closing of the template (pages 4-16 especially "Before closing ... asks whether you want to save these changes before closing" page 15).

Motivation:

Chikirivao and **Habraken** are from the same field of endeavor, software. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of **Chikirivao** by saving

595 information to be available occurs when closing the template being edited as taught by **Habraken** for the benefit of not wanting to lose any recent changes (**Habraken** page 15) since you don't want to lose your valuable documents as you create them (**Habraken** page 13).

Claim 26:

600 **Chikirivao** fails to teach:

- Wherein the predefined event is passage of a predetermined amount of time.

Habraken teaches:

- Wherein the predefined event is passage of a predetermined amount of time (pages 4-16 especially "AutoSave feature ... AutoRecoverInfo Every ... set the time interval between autosaves" page 13).

605 Motivation:

Chikirivao and **Habraken** are from the same field of endeavor, software. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of **Chikirivao** by saving information occurs after a predetermined amount of time as taught by **Habraken** for the benefit of not wanting to lose any recent changes (**Habraken** page 15) since you don't want to lose your valuable

610 documents as you create them, so if you are really absent-minded about periodically saving your work, use the AutoSave feature (**Habraken** page 13).

Claim Rejections - 35 USC § 102

Claims 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by **Morikawa** (US Patent Application

615 Publication No. 2001/0054096).

Claim 35:

Morikawa anticipates:

- An interface configured to receive information from the administrator (pages 1-8 especially "setting
620   templates displayed to an upper administrator" ¶41 and "Settings to be transferred ... template entry/edit

means ... presented to the administrator to select" ¶54-56 ; Also see Abstract and Figures 10-14); and

- An engine configured to make the information accessible to a rules-based program that provides the at

least one response in reply to the inputs from the user (pages 1-8 especially "When a communication starts

with a command form a user ... retrieved from the application rule storing means ... the setting template
625   having a name "T02" should be applied thereon" ¶106-109; Also see Figure 15).

Furthermore, since all software is made up of rules (e.g. conditional statements), the limitations of this

claim as stated are met by any software that:

o *Is affected (e.g. written, created, altered, parameterized) by an entity (e.g. human, machine, or*

other type of administrator) through an interface (e.g. GUI, terminal, punch cards, virtual reality
630   *simulator, text recognition device); and*

o *Does anything (internally or externally to the software itself) based on the customization and input*

from another entity (e.g. human, machine, or other type of user).

Claim 36:

635   **Morikawa** anticipates:

- Wherein the interface is a template including at least one field (pages 1-8 especially "parameters" ¶69 and

"setting" ¶96; Also see Figures 10-14).

Claim 37:

640   **Morikawa** anticipates:

- Wherein the information is saved in the template (pages 1-8 especially "templates to be stored in a

template accumulation means" ¶38-39 and "Settings to be transferred ... are collected to name setting

templates ... setting templates are input or edited ... and are stored in the template storing means" ¶54 and

"administrator ... setting template is stored in the setting template storing means" ¶102).

645

Claim 38:

Morikawa anticipates:

- Further including structured data, wherein the information is saved in the structured data (pages 1-8

  especially "templates to be stored in a template accumulation means" ¶38-39 and "Settings to be

650   transferred ... are collected to name setting templates ... setting templates are input or edited ... and are

  stored in the template storing means" ¶54 and "administrator ... setting template is stored in the setting

  template storing means" ¶102; *It is clear that the "template storing means" is a structured way of storing the*

  template information, since the templates themselves have structure).

655   **Claim 39:**

Morikawa anticipates:

- Further including a set of rules, wherein the information is saved in the set of rules (pages 1-8 especially

  "The application rule entry/edit means .. from the setting template storing means ... presented to the

  administrator to select" ¶56-57).

660

Claim 40:

Morikawa anticipates:

- Further including an editor adapted to access the information and enable the administrator to edit the

  information (pages 1-8 especially "edit" ¶54-64).

665

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dozier (USPN 5,870,552)

- Eichert (USPN 6,393,474)

670   - Elsbernd (USPN 6,529,904)

- Hassett (USPN 6,173,311)

- Liddy (USPN 5,963,940)

- Reynar (US Patent Application Publication No. 2002/0178008)

- Thames (US Patent Application Publication No. 2003/0145281)

675

Claims 1-40 are rejected.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed

680   to Benjamin J. Buss whose telephone number is 571-272-5831. The examiner can normally be reached on M-F

9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent

can be reached on 571-272-3080. The fax phone number for the organization where this application or proceeding

is assigned is 571-273-8300.

685   Information regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

690
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